

**Notice of Allowability**

Application No.

10/068,261

Examiner

Eric V Woods

Applicant(s)

DICKENS, JAMES EDWARD

Art Unit

2672

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed 19 April 2005.
2. ☒ The allowed claim(s) is/are 8-21.
3. ☒ The drawings filed on 12 April 2005 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                                  |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date <u>20050516</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment  |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance                         |
|   | 9. <input type="checkbox"/> Other _____.   |

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments filed 19 April 2005 with respect to the rejections of claims 1-7 have been fully considered and found persuasive. Since claims 1-7 have been canceled, all rejections to those claims stand withdrawn.

Firstly, applicant states that applicant cannot find a valid reference date for the vLetter PRO form. That form has a date in the top portion of it clearly illustrating a date of conception for the form when it was scanned.

Applicant's arguments with respect to claims 15-20 have been considered (page 1), and the rejection under 35 U.S.C. 101 (nonstatutory) is withdrawn, as the amendments to the claims have placed them in statutory format.

The rejections under 35 U.S.C. 102(b) are withdrawn as they were linked to the nonstatutory claims, and the problems associated with those claims have been corrected via amendment, as applicant points out in Arguments page 1. Therefore the rejections are withdrawn.

Claims 7-21 were rejected under 35 U.S.C. 103(a); those rejections stand withdrawn in view of applicant's amendments and Arguments pages 1-4.

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Michael Lukon (48,164) on May 16, 2005 at 9:30 a.m. EST.

In claim 8,

Line 9, insert "**automatically, digitally**" after "in" and before "orienting".

In claim 15,

Line 11, insert "**automatically, digitally**" after "to" and before "orient".

In claim 21,

Line 8, insert "**automatically, digitally**" after "in" and before "orienting".

#### **REASONS FOR ALLOWANCE**

The following is an examiner's statement of reasons for allowance: Prior art as shown by the Fenwick patent and vLetter PRO form clearly illustrates the idea of scanning handwriting into a computer to generate a font. However, applicant provides a great deal of detail on the form that such sheets having the handwriting would take, which is not present in the prior art. Secondly, applicant provides two sets of registration marks for OCR so that the software can automatically orient the image of the sheet after it is processed to automate the process. While some prior art does teach template-based forms that can be scanned to extract handwritten input, the idea of these multiple sets of registration marks, differing in number and oriented in the same direction is not found in conjunction with the other elements in combination in the prior art. The form of such sheets has value because the marks are necessary for the OCR and automatic processing to take place, and the claims are narrow enough that other prior art systems such as Fenwick and vLetter PRO do not infringe, because those

systems do not use the grid pattern set forth by applicant with concomitant exacting sets of registration marks.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric V Woods whose telephone number is 571-272-7775. The examiner can normally be reached on M-F 7:30-4:30 alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi can be reached on 571-272-7664. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Eric Woods

  
JEFFERY BRIER  
PRIMARY EXAMINER

May 17, 2005